

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARAWAY HOME, INC,

Plaintiff,

-against-

23-cv-9756 (PKC)

ORDER

SENSIO INC. d/b/a Made by Gather,

Defendant.
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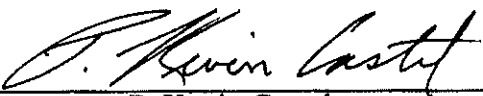
CASTEL, U.S.D.J.

The Court’s Scheduling Order in this action, entered on January 29, 2024 (ECF 44), provides that “[c]laim construction will in the first instance arise in the context of summary judgment briefing. Any further claim construction may take place thereafter if needed.” (*Id.* at ¶ 8.)

Defendant now seeks to modify the Scheduling Order and proposes a schedule of claim construction briefs commencing August 7, 2024, leading to a claim construction hearing sometime in the month of October. The Court adheres to the existing schedule. Claim construction will take place principally in the context of the motion for a preliminary injunction and/or the anticipated summary judgment motion(s). *See, e.g. Green Pet Shop Enterprises, LLC v. Eur. Home Design, LLC*, 17-cv-6238 (JMF), 2019 WL 1172069, at *4 (S.D.N.Y. Mar. 13, 2019); *Financeware, Inc. v. UBS Fin. Servs.*, 11-cv-5503 (JFK), 2011 WL 6092311, at *3 (S.D.N.Y. Dec. 7, 2011). If necessary, the Court will schedule further claim construction proceedings after such motions are decided.

Letter motion at ECF 113 is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 10, 2024